

**Notice of Allowability**

Application No.

10/667,778

Examiner

JAMES C. KERVEROS

Applicant(s)

BAUDRY ET AL.

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5/11/2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date May 11, 2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JAMES C KERVEROS  
Examiner Art Unit 2138

### **NOTICE OF ALLOWANCE**

This is a Notice of Allowance in response to Amendment filed 5/11/2006.

Claims 1-10 were previously pending. Claims 11 and 12 new.

Claims 1-12 are allowed.

Objection to the abstract of the disclosure has been withdrawn in view of an amended abstract.

Objection to Claims has been withdrawn in view of the Amendment to the claims.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dan Hu on July 20, 2006.

The application has been amended as follows:

CLAIM 1,

line 11 has been amended as follows:

--the asynchronous interface indicates an instant of transmission of the said data frames by each---

the paragraph between lines 19-26 has been amended as follows:

--upon reception at the control unit of an acknowledgement frame accompanied by time stamping information indicating an instant of transmission and containing acknowledgement information interpreted as indicating non-reception of the said data frame by the terminal, selectively ~~taking into account~~ considering or ignoring the said acknowledgement information for controlling a retransmission of the said data frame, depending on a result of a comparison between the said instants of reception and transmission.--

CLAIM 2, the first paragraph between lines 1-2 has been amended as follows:

Method according to Claim 1, in which the ~~selective taking into account~~ selectively considering or ignoring the said acknowledgement information comprises the alternatives of:

CLAIM 6,

line 11 has been amended as follows:

--the asynchronous interface indicates an instant of transmission of the said data frames by each---.

the paragraph between lines 19-26 has been amended as follows:

means by which, upon reception at the control unit of an acknowledgement frame accompanied by time stamping information indicating an instant of transmission and containing acknowledgement information interpreted as indicating non-reception of the said data frame by the terminal, the said acknowledgement information for controlling

retransmission of the said data frame is selectively considered or ignored ~~taken into account~~, depending on a result of a comparison between the said instants of reception and transmission.

CLAIM 7, the first paragraph between lines 1-2 has been amended as follows:

Control unit according to Claim 6, in which the means of selectively considering or ignoring ~~taking into account~~ the said acknowledgement information are arranged;

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The prior arts of record taken alone or in combination fail to teach, anticipate, suggest or render obvious the claimed invention as recited in the independent claims 1 and 6, for a method and apparatus for controlling data retransmission, including among other limitations, in which first frames are encapsulated, with corresponding timestamping information, in second frames for transmission between a control unit and each base station over an asynchronous interface, in which the timestamping indicates an instant of transmission of data frames by each base station, and,

wherein upon reception at the control unit of an acknowledgement frame accompanied by time stamping information indicating an instant of transmission and containing acknowledgement information interpreted as indicating non-reception of the said data frame by the terminal, selectively considering or ignoring the acknowledgement information for controlling a retransmission of the data frame,

depending on a result of a comparison between the instants of reception and transmission.

Consequently, claims 1-12 are allowed over the prior arts.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

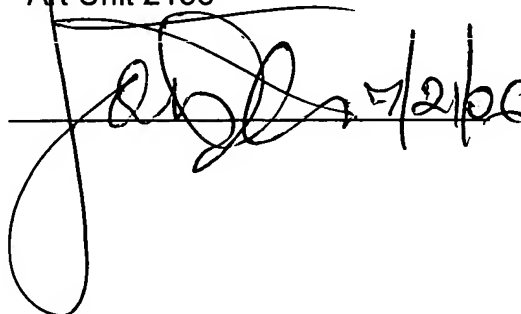
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Date: 21 July 2006  
Office Action: Allowance

JAMES C KERVEROS  
Examiner  
Art Unit 2138

A handwritten signature in black ink, appearing to be 'J. C. Kerveros', is written over a horizontal line. To the right of the signature, the date '7/21/06' is handwritten.